

REMARKS

Claims 1, 5, 7, 8, 10-13, 16, 18, 19, 24, 25, 27, 28 and 30-52 are currently pending in the subject application and are presently under consideration. Claims 1, 11, 19, 33 and 36 have been amended as shown on pages 2-9 of the Reply. Applicants' representative thanks the Examiner for the teleconference of February 5, 2008 wherein merits of the claims vis-à-vis the cited document was discussed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 5, 10-13, 16, 18, 19, 24, 25, 30-33 and 39-52 Under 35 U.S.C. §102(b)

Claims 1, 5, 10-13, 16, 18, 19, 24, 25, 30-33 and 39-52 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kanevsky, *et al.* (US 6,421,453). Withdrawal of this rejection is requested for at least the following reasons. Withdrawal of the rejection is requested for the following reasons. Kanevsky *et al.* fails to disclose or suggest all aspects set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention relates to a system for controlling a computer using gestures. A 3-D imaging component performs gesture recognition and interpretation based on a previous mapping of a plurality of hand poses and orientations to user commands for a given user. In particular, independent claim 1 recites ***a user command to control a computer system received from a gesture, wherein control of the computer system comprises controlling computer programs by manipulating on-screen objects; and a 3-D imaging component that captures the gesture in the form of a gesture image, processes the gesture image, and interprets***

the gesture image to execute the user command for control of the computer system and the imaging component permits different users to select different commands to associate with the received gesture such that the received gesture executes a user command based on user profile. Independent claim 33 recites similar features. Independent claims 11 and 19 also recite *manipulation of an object of the computer system, wherein the object is a device connected to the computer or an application running on the computer.* Independent claim 30 recites *calibrating the computer system according to a user profile of individualized gesture data* by presenting associated gestures using at least one or more body motions; *mapping the gesture data to at least one user command.* Kanevsky *et al.* is silent regarding such novel features.

Kanevsky *et al.* relates to a methods and apparatus for user recognition to grant access to authorized users to one of a computer and a service and a facility. At page 2 of the Office Action, the Examiner contends that Kanevsky *et al.* discloses such novel features of applicants' claimed invention. Applicants' representative avers to the contrary. In accordance with the subject invention, the system stores a gesture captured from a user and associates the gesture to a user selected command that manipulates on-screen objects that control a computer or a device connected to the computer. The system subsequently captures a gesture of the user, compares it to the previously stored gestures and executes the mapped user commands to control the computer. Further, the system allows different users to select different commands to associate with a received gesture. At the cited portions, Kanevsky *et al.* discloses identifying a user by gesture recognition prior to allowing the user access to a service or facility. A sequence of gestures can be used as a behavioral password for a first user to access a facility, and a second user performing the sequence can be allowed access to the facility. Further, at the cited portions, the system allows multiple users to issue the same voice command for controlling a computer, identifies the users by their gestures and voice, and processes the command of the user with higher authorization. In contrast, the claimed invention allows a user to associate a gesture to a command and control computer programs by manipulating on-screen objects using the gesture, and different users to associated different commands with a received gesture. Thus, Kanevsky *et al.* is silent regarding *a user command to control a computer system received from a gesture, wherein control of the computer system comprises controlling computer programs by manipulating on-screen objects; and a 3-D imaging component that captures the gesture in the form of a gesture image, processes the gesture image, and interprets the gesture image to*

execute the user command for control of the computer system and the imaging component permits different users to select different commands to associate with the received gesture such that the received gesture executes a user command based on user profile as recited by the subject claim. Accordingly, it is requested that this rejection with respect to independent claim 1, 11, 19, 30 and 33 (and the claims that depend from) should be withdrawn.

II. Rejection of Claims 27, 28 and 34 Under 35 U.S.C. §103(a)

Claims 27, 28 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevsky in view of Oohara, *et al.* (US 5,801,704). Withdrawal of this rejection is requested for the following reasons. Claims 27, 28 and 34 depend from independent claims 19 and 33. As discussed *supra* with respect to independent claim 19 and 33, Kanevsky *et al.* fails to disclose or suggest all features. Oohara *et al.* relates to a method of image processing for processing a processed object by detecting movement of hands and fingers of an operator, and fails to make up for the aforementioned deficiencies of Kanevsky *et al.* Accordingly, it is requested that this rejection with respect to independent claim 19 and 33 (and the claims that depends from) should be withdrawn.

III. Rejection of Claims 35-38 Under 35 U.S.C. §103(a)

Claims 35-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevsky in view of Hildreth, *et al.* (US 7,227,526). Withdrawal of this rejection is requested for the following reasons. Claim 35 depends from amended independent claim 33. Amended independent claim 36 recites similar features as claim 33, namely *means for returning a computer command associated with the recognized gesture, wherein different commands are returned associated with different users for the received gesture*. Claims 37 and 38 depend from claim 36. As discussed *supra* with respect to independent claim 33, Kanevsky *et al.* fails to disclose or suggest *different users to select different commands to associate with the received gesture*. Hildreth *et al.* relates to an image processing system for processing stereo image data. However, Hildreth *et al.* is silent regarding permitting *different users to select different commands to associate with the received gesture* as recited by the subject claims and fails to make up for the aforementioned deficiencies of Kanevsky *et al.* Accordingly, it is requested that

this rejection with respect to independent claims 33 and 36 (and the claims that depends from) should be withdrawn.

IV. Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevsky in view of Kazama, *et al.* (US 6,111,580). Withdrawal of this rejection is requested for the following reasons. Claim 7 depends from independent claim 1. As discussed *supra*, Kanevsky *et al.* fails to disclose or suggest all features of amended independent claim 1. Kazama *et al.* relates to an input apparatus for detecting a user's action and for outputting operation corresponding to the action, and fails to make up for the aforementioned deficiencies of Kanevsky *et al.* Accordingly, it is requested that this rejection with respect to independent claim 1 (and claim 7 that depends from) should be withdrawn.

V. Rejection of Claim 8 Under 35 U.S.C. §103(a)

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevsky in view of Dempsey, *et al.* (US 7,007,236). Withdrawal of this rejection is requested for the following reasons. Claim 8 depends from independent claim 1. As discussed *supra*, Kanevsky *et al.* fails to disclose or suggest all features of amended independent claim 1. Dempsey *et al.* relates to a method for manipulating virtual objects on a video conference broadcast, and for outputting operation corresponding to the action, and fails to make up for the aforementioned deficiencies of Kanevsky *et al.* Accordingly, it is requested that this rejection with respect to independent claim 1 (and claim 8 that depends from) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP397USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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